IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No.4964 of 2007
[Mrs. Linata M. Kulkarni Vs. Mr. Milind S. Kulkarni & ors.]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mrs. L.M. Kulkarni, the Petitioner-in-Person

CORAM : A.H. JOSHI AND
R.C.CHAVAN,JJ.

DATE : 26th October,2007.

1. Heard the petitioner, who has argued the matter in-person.

2. Petitioner further states that her application to Hon'ble Supreme Court was not entertained as an Appeal or Petition and she has been advised through the letter dated 28th September, 2007 to file a proper petition in the manner communicated therein, she, however, has not decided so far as to what recourse she should adopt.

3. In absence of a legal advice, the petitioner is labouring under an impression that the petition filed by her before Hon'ble President of India is under consideration through the Department of Law & Justice.

4. Considering the handicap which the petitioner has as she has not taken a legal advice, we have tried to inform the petitioner inherent limitations of the representation resorted to by her as a remedy in law. The petitioner, however, seems to have no inclination for going in for a legal advice.

5. The petitioner has argued that while the petition is pending before Hon'ble President, she needs protection from illegal activities of the respondent nos. 1 and 2.

6. When called as to what are the illegalities from which she wants protection, the petitioner has pointed out and indicated at Paragraph No. 12 of the petition which reads as follows:-

> **12. That on 30-9-2007 one agent [goon] sent by Authorized Officer, H.D.F., Akola i.e. respondent no.2 threatened petitioner of life and of dire consequences if petitioner does not vacate the house where petitioner is residing. This person have broken glasses of windows of petitioners house and also locked the doors of the house of the petitioner from the outside.**

7. We find that ordinarily unless the Banker/Financial Institution is equipped with the power either under statute or recognized by law, it would not take recourse to physical

dispossession of property offered by respondent no.2 as a security.

8. If the incident of threats etc., given to the petitioner is true, we see no reason as to what could preclude her to take recourse to civil remedy against such overtacts or threatened dispossession, in order to prevent forcible dispossession or other acts of the employees or agents of the Bank.

9. If, according to petitioner, all these acts are done by the respondent no.2 being levered by the respondent no.1, but for want of a proper legal advice, she would not fail to take steps against respondent no.1 in the matrimonial litigation which is pending between the parties.

10. All that we can observe is that the petitioner has, for reasons best known to her, reservations against taking a legal advice and also pursuing the cause in appropriate Forum or Court.

11. We do not see that any grounds are made out by the petitioner for any protection during pendency and decision by the Hon'ble President of India of the complaint/representation submitted by the petitioner. In the result, any relief cannot be granted. We, therefore, dismiss the petition.

12. We clarify that this dismissal would not, in any manner, come in the way of the petitioner in taking appropriate legal remedy before the proper Forum.

Judge **Judge**

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